

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 14, 2021

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

LISE R.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:20-cv-03110-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 17, 27

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 27, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Thomas Elsberry represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 27**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Provide Plaintiff an opportunity for a new hearing, if a fully favorable
9 decision is not issued on remand;
- 10 • Further evaluate the Listings, including but not limited to Listing 4.11;
- 11 • Reconsider the medical evidence;
- 12 • Further evaluate Plaintiff's subjective complaints, and provide
13 rationale in accordance with the disability regulations pertaining to
14 evaluation of symptoms;
- 15 • Further evaluate Plaintiff's residual functional capacity;
- 16 • If warranted, obtain supplement vocational expert testimony to clarify
17 the effect of the assessed limitations on Plaintiff's occupational base;
18 and
- 19 • Issue a new decision.

20 *See* ECF No. 27 at 1-2.

1 3. Judgment shall be entered for **PLAINTIFF**.

2 4. Plaintiff's Motion for Summary Judgment, **ECF No. 17**, is **STRICKEN**
3 **AS MOOT**.

4 5. Upon proper presentation, this Court consider Plaintiff's application for
5 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

6 The District Court Executive is directed to enter this Order, **enter**
7 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

8 DATED April 14, 2021.

9 s/Mary K. Dimke
10 MARY K. DIMKE
UNITED STATES MAGISTRATE JUDGE